

**SECOND AMENDMENT
APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office SEP 21 2005
Returned to applicant for correction DEC 22 2005
Corrected application filed MAR 27 2006
Map filed MAY 11 1959 under V-02435

The applicant **TOWN OF KINGSTON** hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **KINGSTON CREEK**
2. The amount of water applied for is **2.0 C.F.S.** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **IRRIGATION**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated **9.6 ACRES**
 - (b) Stockwater, state number and kinds of animals
 - (c) Other use (describe fully under No. 12. "Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **AS DESCRIBED ON PROOF MAP 02435 OF THE KINGSTON CREEK DECREE P.O.D. IS IN THE SE ¼ NW ¼ SEC 36 T16N R43E, AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 36 BEARS N 55° 41' 10" E A DISTANCE OF 4576.34 FEET.**
6. Place of Use **4.9 ACRES SE ¼ NW ¼ SEC 36 T16N R43E**
2.5 ACRES NE ¼ SW ¼ SEC 36 T16N R43E
2.2 ACRES SW ¼ NE ¼ SEC 36 T16N R43E
9.6 ACRES
7. Use will begin about **1 ST OF FEBRUARY** and end about **1 ST OF DECEMBER** of each year.
8. Description of proposed works **CONCRETE DIVERSION DAM WITH PIPE LINE BEING REGULATED BY STEEL HEADGATE – A WEIR TO MEASURE PARK'S WATER**
9. Estimated cost of works **\$10,000**
10. Estimated time required to construct works **1 YEAR**
11. Estimated time required to complete the application of water to beneficial use **1 YEAR**

73262

12. Remarks:

By **ROGER E. JAMES/VICE - CHAIRMAN**
s/ **ROGER E. JAMES**
HC 65 BOX 130
AUSTIN, NV 89310

Compared ag/mt

Protested on 9/1/2006 by Ralph Young

DENIAL OF STATE ENGINEER

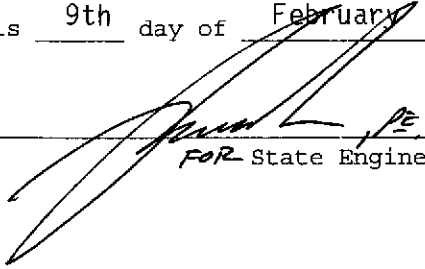
The protest is upheld and this application is denied due to the lack of unappropriated water.

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 9th day of February, A.D. 2009


FOR State Engineer